

1 TRINETTE G. KENT (State Bar No. 025180)
2 KENT LAW OFFICES
3 10645 North Tatum Blvd., Suite 200-192
4 Phoenix, AZ 85028
5 Telephone: (480) 247-9644
6 Facsimile: (480) 717-4781
7 E-mail: tkent@kentlawpc.com

8 Of Counsel to:
9 Nitzkin & Associates
10 22142 West Nine Mile Road
11 Southfield, MI 48033
12 Telephone: (248) 353-2882
13 Facsimile: (248) 353-4840

14 *Attorneys for Plaintiff,*
15 *Robert Willeford*

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF ARIZONA

18 Robert Willeford,
19
20 Plaintiff,

21 vs.

22 Experian Information Solutions, Inc.
23 an Ohio corporation, and
24 Equifax Information Services, LLC
25 a Georgia corporation,
26 Defendants.

Case No.:

COMPLAINT

JURY TRIAL DEMANDED

1 NOW COMES THE PLAINTIFF, ROBERT WILLEFORD, BY AND
2 THROUGH COUNSEL, Trinette G. Kent, and for his Complaint against the
3 Defendants, pleads as follows:
4

5
6
7 **JURISDICTION**

- 8 1. Jurisdiction of this court arises under the Fair Credit Reporting Act (“FCRA”)
9 15 U.S.C. §1681p., and 28 U.S.C. §§1331, 1337.
10
11 2. This is an action brought by a consumer for violation of the Fair Credit
12 Reporting Act (15 U.S.C. §1681, *et seq.* [hereinafter “FCRA”]).

13
14 **VENUE**

- 15 3. The transactions and occurrences which give rise to this action occurred in the
16 City of Mesa, Maricopa County, Arizona.
17
18 4. Venue is proper in the District of Arizona, Phoenix Division.

19 **PARTIES**

- 20 5. The Defendants to this lawsuit are:
21
22 a. Experian Information Solutions, Inc. (“Experian”), which is an Ohio
23 corporation that maintains a registered agent in Maricopa County,
24 Arizona; and
25
26 b. Equifax Information Services, LLC (“Equifax”), which is a Georgia
27 company that maintains a registered agent in Maricopa County, Arizona.
28

GENERAL ALLEGATIONS

6. Equifax is reporting two Judgments which case numbers CV2011090180 and 49D050907CC034033 (“Errant Public Records”) on Plaintiff credit file with balances. Experian is reporting one of the Errant Public Record with case number 49D050907CC034033 with a balance.
7. Mr. Willeford does not owe any balance on the Errant Public Records. They were included in his Chapter 13 Bankruptcy, which was filed in 2009 and discharged in 2012.
8. Sometime in February 2015, Mr. Willeford obtained his Equifax and Experian credit files and noticed the Errant Public Records. Shortly thereafter, he submitted letters to Experian and Equifax disputing the balances on the Errant Public Records.
9. On or about August 4, 2015, Mr. Willeford obtained a new Experian and Equifax credit report and noticed that the balances were still reported on the Errant Public Records.
10. On or about September 21, 2015, Mr. Willeford, submitted another letter to Experian and Equifax disputing the balances on the Errant Public Records.
11. On or about October 1, 2015, Mr. Willeford received Equifax’s investigation results which showed that it retained the balance of \$11,534.00 on the Errant Public Record with case number CV2011090180 and it also retained the

1 balance of \$14,286.00 on the Errant Public Record with case number
2 49D050907CC034033.
3

4 12. On or about October 28, 2015, Mr. Willeford received Experian's investigation
5 results which showed that it retained the balance of \$14,286.00 on the Errant
6 Public Record with case number 49D050907CC034033.
7

8 **COUNT I**

9 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT BY**
10 **EXPERIAN**

11 13. Plaintiff re-alleges the above paragraphs as if recited verbatim.
12

13 14. Defendant Experian prepared, compiled, issued, assembled, transferred,
14 published, and otherwise reproduced consumer reports regarding Mr. Willeford
15 as that term is defined in 15 USC 1681a.
16

17 15. Such reports contained information about Mr. Willeford that was false,
18 misleading, and inaccurate.
19

20 16. Experian negligently failed to maintain and/or follow reasonable procedures to
21 assure maximum possible accuracy of the information it reported to one or
22 more third parties pertaining to Mr. Willeford, in violation of 15 USC 1681e(b).
23

24 17. After receiving Mr. Willeford's consumer disputes to the Errant Public Record,
25 Experian negligently failed to conduct a reasonable reinvestigation as required
26 by 15 U.S.C. 1681i.
27
28

1 18.As a direct and proximate cause of Experian's negligent failure to perform its
2 duties under the FCRA, Mr. Willeford has suffered actual damages, mental
3 anguish and suffering, humiliation, and embarrassment.
4

5 19.Experian is liable to Mr. Willeford by reason of its violation of the FCRA in an
6 amount to be determined by the trier of fact together with his reasonable attorneys'
7 fees pursuant to 15 USC 1681o.
8
9

10
11 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment
12 against Experian for actual damages, costs, interest, and attorneys' fees.
13

14 **COUNT II**

15 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT BY**
16 **EXPERIAN**

17 20.Plaintiff re-alleges the above paragraphs as if recited verbatim.

18 21.Defendant Experian prepared, compiled, issued, assembled, transferred,
19 published and otherwise reproduced consumer reports regarding Mr. Willeford
20 as that term is defined in 15 USC 1681a.
21

22 22.Such reports contained information about Plaintiff that was false, misleading,
23 and inaccurate.
24

25 23.Experian willfully failed to maintain and/or follow reasonable procedures to
26 assure maximum possible accuracy of the information that it reported to one or
27 more third parties pertaining to Mr. Willeford, in violation of 15 USC 1681e(b).
28

1 24. After receiving Mr. Willeford's consumer dispute to the Errant Public Record,
2 Experian willfully failed to conduct a reasonable reinvestigation as required by
3 15 U.S.C. 1681i.
4

5 25. As a direct and proximate cause of Experian's willful failure to perform its
6 duties under the FCRA, Mr. Willeford has suffered actual damages, mental
7 anguish and suffering, humiliation, and embarrassment.
8

9 26. Experian is liable to Mr. Willeford by reason of its violations of the FCRA in an
10 amount to be determined by the trier of fact, together with his reasonable
11 attorneys' fees pursuant to 15 USC 1681n.
12
13

14
15 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment
16 against Defendant Experian for the greater of statutory or actual damages, plus
17 punitive damages along with costs, interest, and reasonable attorneys' fees.
18

19 **COUNT III**

20 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**
21 **BY EQUIFAX**

22 27. Plaintiff re-alleges the above paragraphs as if recited verbatim.
23

24 28. Defendant Equifax prepared, compiled, issued, assembled, transferred,
25 published, and otherwise reproduced consumer reports regarding Mr. Willeford
26 as that term is defined in 15 USC 1681a.
27
28

1 29. Such reports contained information about Mr. Willeford that was false,
2 misleading, and inaccurate.

3
4 30. Equifax negligently failed to maintain and/or follow reasonable procedures to
5 assure maximum possible accuracy of the information it reported to one or
6 more third parties pertaining to Mr. Willeford, in violation of 15 USC 1681e(b).

7
8 31. After receiving Mr. Willeford's consumer dispute to the Errant Public Records,
9 Equifax negligently failed to conduct a reasonable reinvestigation as required
10 by 15 U.S.C. 1681i.

11
12 32. As a direct and proximate cause of Equifax's negligent failure to perform its
13 duties under the FCRA, Mr. Willeford has suffered actual damages, mental
14 anguish and suffering, humiliation, and embarrassment.

15
16 33. Equifax is liable to Mr. Willeford by reason of its violation of the FCRA in an
17 amount to be determined by the trier of fact, together with his reasonable
18 attorneys' fees pursuant to 15 USC 1681o.

19
20
21
22 **WHEREFORE, PLAINTIFF PRAYS** that the court grant him a judgment
23 against Equifax for actual damages, costs, interest, and attorneys' fees.

24 **COUNT IV**

25
26 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**
27 **BY EQUIFAX**

28 34. Plaintiff re-alleges the above paragraphs as if recited verbatim.

1 35. Defendant Equifax prepared, compiled, issued, assembled, transferred,
2 published, and otherwise reproduced consumer reports regarding Mr. Willeford
3 as that term is defined in 15 USC 1681a.
4

5 36. Such reports contained information about Mr. Willeford that was false,
6 misleading, and inaccurate.
7

8 37. Equifax willfully failed to maintain and/or follow reasonable procedures to
9 assure maximum possible accuracy of the information that it reported to one or
10 more third parties pertaining to Mr. Willeford, in violation of 15 USC 1681e(b).
11

12 38. After receiving the Plaintiff's consumer dispute to the Errant Public Records,
13 Equifax willfully failed to conduct a reasonable reinvestigation as required by
14 15 U.S.C. 1681i.
15

16 39. As a direct and proximate cause of Equifax's willful failure to perform its duties
17 under the FCRA, Mr. Willeford has suffered actual damages, mental anguish
18 and suffering, humiliation, and embarrassment.
19

20 40. Equifax is liable to Mr. Willeford by reason of its violations of the FCRA in an
21 amount to be determined by the trier of fact, together with his reasonable
22 attorneys' fees pursuant to 15 USC 1681n.
23
24
25
26
27
28

JURY DEMAND

DATED: February 3, 2016

By: _____
Trinette G. Kent
Attorneys for Plaintiff,
Robert Willeford